

CLERKS' FEES FOR TAX LISTS FIXED

Supreme Court Decides One Sum Must Cover All Extra Copies.

MANY CASES ARE DECIDED

Officers Who Are Railway Employees May Use Passes if They Are Not "Free."

Setting at rest at last the often disputed question of compensation to clerks of courts for certifying and distributing lists of voters who have paid their capitation taxes, the Supreme Court of Appeals yesterday decided that the fee of one-half cent for each word for copies in addition to the first is intended to cover all copies, and it not to apply to each. Therefore, in an opinion by Judge John A. Buchanan the decision of the Circuit Court of Rockingham county is affirmed.

D. H. Lee Martz, clerk of the Rockingham court, presented a bill for certifying the tax-payers for the recent election, after they had been received from the county treasurer last May and corrected. He wanted \$27.50 for the first copy at the legal rate of 2 cents for each ten words, there being 13,750 words. For the sixty-two additional copies he asked one-half cent for each word for each copy, making a total of \$125.25, or a grand total of \$152.75. The Board of Supervisors allowed him only \$34.37 for the first list and \$17.50 extra, the actual cost of printing the additional copies. The Circuit Court, in affirming the decision of the board, said that in full compensation the supervisors had no authority to pay the sum of \$47.50, but did not rule on this, as the board had not objected to it.

Work of Officers. It is the duty of the treasurer five months before the second Tuesday in June, or before the November election day, to make up a list of the voters who have paid their capitation taxes six months prior to the next election. The clerk, when this list is filed with him by the treasurer, has to certify as many copies as there are polling places in the county or city, and deliver these to the clerk of each precinct. He must also keep ten copies in his office for public inspection. When the legal corrections have been made one copy is to be sent to a judge at each precinct and one to the Auditor of Public Accounts. Attention is called to the fact that the treasurer is allowed 3 cents for each ten words in the list, although he must arrange the list alphabetically and classify the white and colored voters. Also that the sheriff or sergeant gets only 25 cents for each copy he posts. The lower court, in deciding the case, said that while the language used in the statute is not the best, yet by strict grammatical construction it should be inferred that the one-half cent per word was to cover all additional copies and not each copy.

Take Best Construction. Treating the language as ambiguous, the Supreme Court said that it should consider which of two constructions was the more just and reasonable and in best harmony with the intent of the Legislature as gathered from the whole subject. It is apparent, it says, that it was not intended that officers should get more than they deserved, and that while the treasurer of Rockingham received only \$41.25 and the sheriff only \$6.50, the clerk claimed \$152.75, "five or six times what his services were worth."

It may be true, says the court, that none of these officers is paid enough. This, it believes, is true with reference to treasurers and sheriffs or sergeants. But the Legislature has made the law.

Law as to Passes. No provision of law is made requiring officers who are employees of railways from vacating their offices because they accept or use passes in part payment for their services, according to another decision of the court. Quo warranto proceedings were begun in the Circuit Court of the city of Clifton Forge against J. A. Clifton, W. S. Taylor, T. P. Haloran and A. N. McMullen, setting forth that these parties were employees of the Chesapeake and Ohio Railway and at the same time of the City Council, and that they were using the passes on business other than the company's, in contravention of the Constitution, which forbids the acceptance of passes by officers. On the stand the defendants denied that the passes were free, but said they were a part of their



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Nothing is Better than
Dr. Miles' Anti-Pain Pills
They Give Relief without
Bad After-Effects.

"For four years I was subject to almost constant headache. At times so severe I was unfitted for work. Through the advice of a friend I was persuaded to try Dr. Miles' Anti-Pain Pills and the result has been that I have entirely eradicated my system of those continuous headaches that followed a hard and continuous mental strain."—O. L. Russell, Agt. C. & N. W. Ry., Early, Ia.

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25 Doses, 25 Cents.
"MILES MEDICAL CO., Elkhart, Ind."

compensation. Thereupon the Circuit Court dismissed the petition. Judge James Keith, President of the Supreme Court, says in his opinion that the lower court was right on the letter of the law. As to the point that these men were trying to serve two masters, and that if a question came up between the railway and the city the interests of the latter might suffer, he says that while this might be a good argument for a change in the law it was not a good one addressed to a court, whose business it is to construe and not to make laws.

The Legislature, he points out, has not seen fit to make qualifications and impose disabilities in this matter so as to meet the views of the Commonwealth. The case is therefore dismissed as to all the defendants except Gleason, it appearing that their terms have expired since the litigation began, and as to Gleason the opinion of the lower court is affirmed.

Cannot Recover. An echo of the famous Harper dealings in the mineral fields of Virginia is found in the case of Mrs. Nettie Cohen against the Big Stone Gap Iron Company. The decision of the lower court is affirmed in an opinion by Judge John A. Buchanan. Mrs. Cohen entered suit to set aside as fraudulent and without authority a conveyance of the property of the Big Stone Gap Iron Company to the Iron Steel and Iron Company in 1901, when, which in 1907 became bankrupt, she claimed \$2,000 of the stock of the iron company. Two years later all the property of the iron company was sold to the steel company, which in 1907 became bankrupt, still owing Mrs. Cohen \$2,000 of the debt. Only a small portion of the indebtedness will ever be paid, and Mrs. Cohen claimed that the conveyance was fraudulent to prevent her collection of the debt, and to withdraw the security, which she says was therefore ample. Edward L. Harper was president of the steel company.

Judge Buchanan takes the broad ground that where the interests of two innocent parties are at stake that party must suffer who by his own acts brought, or helped to bring, about his loss. If relief were granted to Mrs. Cohen the creditors of the steel company would suffer.

He could, at the expiration of the sixty-nine days, have put up the stock held as collateral for sale without demand, and have bought it in herself, owning a control and preventing the subsequent sale. Instead, she waited from 1901 to 1907. The action of the Circuit Court of Wise county in dismissing her bill is therefore affirmed.

Richmond Tax Cases. Holding that a widow cannot hold a greater right in property than her husband could have held against a claim for debt against his homestead exemption is not authorized, Judge Richard H. Cardwell ruled in the case of the court in deciding in favor of the city of Richmond in a tax case in which the heirs of James Murphy were plaintiffs in error. Taxes are involved in the suit, which were assessed against James Murphy on property which he owned on Nineteenth Street, in this city, between Broad and Marshall. Murphy, it appears, recorded a homestead deed in 1873 and died in 1884. His widow lived until 1901. The taxes on the property continued to be assessed against James Murphy. The

claim was that during the lifetime of the widow the homestead exemption protected her from the payment of taxes, which amount to about \$1,150. The commissioner of the Chancery Court of the city of Richmond reported that by reason of the homestead the widow had a life estate until her own death, and that taxes were not a lien on the property, but on her life estate. The city objected to this report, and the Chancery Court sustained the exception.

Granting that the language of the Constitution is broad enough to give the Legislature power to create in or carve out of exempted property an estate which would be or become a freehold as to real estate, the Supreme Court says that it did not do so. Therefore the property is liable for the taxes involved.

Echo of Old Canal. The history of the old James River and Kanawha Canal is involved in the suit of T. H. Glass against the Columbian Paper Company. Glass' property on North River, opposite Buena Vista, abutting which the North River Navigation Company in 1852 built a dam as a part of its canal system. Later this fell into the hands successively of the James River and Kanawha Canal Company, the Richmond and Allegheny Railroad and the Chesapeake and Ohio Railway, the latter leasing it to the Columbian Paper Company.

Glass disputes the right of the lessee to the exclusive use of the water and calls attention to the fact that navigation has been abandoned there since 1881.

A demurrer was sustained in the Circuit Court of Rockbridge county, and the Supreme Court, through Judge S. G. Whittle, says that this judgment was so plainly right that he would not stop to consider mere questions of procedure or minor assignments of error. It is a matter of history, he says, how this property was a part of a tremendous system which was accomplished and which gave to the people of the western part of the State and to Richmond a means of transportation. The Chesapeake and Ohio, the decision says, has title, and the bill states no cause for relief.

Left Estate to City.

An interesting case decided was that of the Handley Board of Trustees against the Winchester Memorial Hospital, which was argued in Richmond last winter. In an opinion by Judge Cardwell, the board of trustees wins. The magnificent estate of Judge John Handley of Scranton, Pa., was given to the city of Winchester, because, it is stated, this wealthy citizen became offended at Scranton over the paving of streets in front of his property. The bequest amounted to more than \$1,000,000.

Senator Robert M. Ward represented the city in settling up the estate, and his bill for services was later transferred to the hospital. The only question involved was whether the city or the Handley fund should pay this bill.

Not Taxable. On its claim that it is not doing business at all in the town of Harrisonburg, the Telephone Company is relieved of paying an annual license fee there. The Town Council assessed \$50 a year against it, and it was fined by the Mayor upon its refusal to pay. This fine was affirmed by the Circuit Court of Rockingham county. The company sets forth that it owns no property in Harrisonburg, but has booths for the transmission of long distance messages. It uses the wires of the Harrisonburg Mutual Telephone Company. It says that even if its business is merely transitory, and not exempt by being an interstate concern, it is still not doing business in the town at all.

Judge Keith says that this claim is borne out by the record. It has no franchise and no property in the town, and makes no claim outside, and is not liable for a license tax. The lower court is reversed.

Other Cases.

Other decisions handed down were as follows: By James Keith, president: Chesapeake and Ohio Railway Company vs. Ship's Administratrix, Circuit Court of Augusta county. Judgment affirmed.

Ashworth vs. Brown et al., Circuit Court of Wise county. Decree affirmed. Irvine vs. Randolph Lumber Corporation et al., Circuit Court of Albemarle county. Decree affirmed.

Sutherland et al. vs. Gent et al., Circuit Court of Russell county. Decree affirmed.

Sutherland et al. vs. People's Bank, Inc., Circuit Court of Dickenson county. Decree affirmed.

Kahn et al. vs. Angle et al., Corporation Court of city of Roanoke. Judgment reversed.

School Board of Stonewall District, et al. vs. Patterson and Miller, Circuit Court of Rockingham county. Decree reversed.

Sands & Oliver vs. Quigg, Circuit Court of Roanoke county. Decree reversed.

Sutherland vs. Emswiler, Circuit Court of Shenandoah county. Judgment reversed.

By Judge R. H. Cardwell: Wood et al. vs. Tredway et al., Circuit Court of Greensville county. Decree affirmed.

Shea Realty Corporation vs. Page and Taylor, Court of Law and Chancery of city of Norfolk. Judgment affirmed.

By Judge John A. Buchanan: Davidson vs. Watts & Flint, Corporation Court of city of Buena Vista. Judgment reversed.

Lowenbach's Administratrix, et al. vs. Solenberger et al., Circuit Court of Frederick county. Decree reversed in part.

Krebs's Executors vs. Welch's Administratrix, Circuit Court of Frederick county. Decree reversed.

By Judge George M. Harrison: Meade, et al. vs. Meade, et al., Circuit Court of Clarke county. Decree affirmed.

Armentrout, et al. vs. Armentrout's Legatees, Circuit Court of Rockingham county. Decree reversed.

Washington vs. Washington, Circuit Court of Rockingham county. Decree reversed.

Continental Casualty Company vs. Lindsay, Circuit Court of Albemarle county. Judgment reversed.

Kemper et al. vs. Calhoun et al., Circuit Court of Augusta county. Judgment affirmed.

By Judge Stafford G. Whittle: Kavanagh et al. vs. Shacklett's Administratrix et al., Circuit Court of Rockingham county. Decree affirmed.

Yost et al. vs. Critcher, Corporation Court of city of Staunton. Decree modified and affirmed.

Southern Railway Company vs. Johnson's Administratrix, Circuit Court of Shenandoah county. Judgment reversed.

Eaton, et al. vs. Moore, et al., Circuit Court of Rockingham county. Judgment affirmed.

Whitmer vs. Hulva, Circuit Court of Rockingham county. Judgment affirmed by divided court.

Petitions for Appointments, etc. Adams Express Company vs. Scott, Circuit Court of Accomack county. Writ of error and supersedeas. Bond, \$2,500. Walton vs. Beales, sheriff, et al., Circuit Court of Mecklenburg county. Writ of error and supersedeas. Bond, \$300. Douglass Land Company vs. T. W. Thayer Company, Corporation Court, city of Bristol. Appeal and supersedeas. Bond, \$1,000. City of Portsmouth vs. Lee, Circuit Court of city of Portsmouth. Writ of error and supersedeas. Bond, \$4,000. Conner vs. Stokes et al., Circuit Court of Goochland county. Appeal. Bond, \$200. Saunders vs. Baldwin, Circuit Court of Mecklenburg county. Writ of error and supersedeas. Bond, \$700. North British and Merchants' Insurance Company vs. Robnett & Green, Circuit Court of Wise county. Writ of error and supersedeas. Bond, \$2,000. Banks vs. Lee's administratrix et al., Circuit Court of city of Williamsburg and county of James City. Appeal. Bond, \$500. Company & Chesire vs. the Perries Company, Corporation Court of city of Norfolk. Writ of error and supersedeas. Bond, \$400. Washington-Southern Railway Company vs. Commonwealth, State Corporation Commission. Appeal. Atlantic Coast Line Railway Company vs. Christian Brothers Company, Law and Equity Court of city of Richmond. Writ of error and supersedeas. Bond, \$400. Edmunds vs. Barrow, Circuit Court of Prince Edward county. Writ of error and supersedeas. Bond, \$200. Seward vs. Camp Manufacturing Company, Circuit Court of Brunswick county. Writ of error. Bond, \$100. Jones, subreceiver, et al. vs. Savings Bank of Newport News, Corporation Court of city of Newport News. Appeal. Bond, \$2,000. Wright vs. Commonwealth, Corporation Court of city of Roanoke. Writ of error and supersedeas. Bond, \$200. Bateman, trustee, et al. vs. Grove et al., Circuit Court of Page county. Appeal and supersedeas. Bond, \$1,200. Greensburg National Bank, of Greensburg, Ind., vs. Syer, Court of Law and Chancery of city of Norfolk. Writ of error and supersedeas. Bond, \$800. Virginia Railway Company vs. Hurt, Circuit Court of Montgomery county. Writ of error and supersedeas. Bond, \$1,000. Virginia Railway Company vs. Larkins, Circuit Court of Montgomery county. Writ of error and supersedeas. Bond, \$500. Carter's administratrix vs. Gorse et al., Circuit Court of Russell county. Appeal. Stonegate Coke and Coal Company vs. Addington, Circuit Court of Wise county. Writ of error and supersedeas. Bond, \$1,200. Hardy vs. Commonwealth, Court of Hustings of city of Portsmouth. Writ of error refused. Hall et al. vs. Virginia Beach Land Company, Incorporated, et al., Court of Law and Chancery of city of Norfolk. Appeal refused. Riley vs. Eastern College, Circuit Court of Prince William county. Writ of error refused. Curtis vs. Newport News Light and Power Company, Circuit Court of Warwick county. Writ of error refused. Summerfield vs. Norfolk and Portsmouth Traction Company, Circuit Court of city of Norfolk. Writ of error refused. Huff, et al. vs. Kirsh Company, Circuit Court of Buchanan county. Appeal refused. Green vs. Baxter, Law and Equity Court of city of Richmond. Writ of error refused. Anderson vs. Old Dominion Development Company, Circuit Court of Henrico county. Writ of error refused. Nichols vs. Southern Railway Company, Corporation Court of city of Lynchburg. Writ of error refused. Lawther vs. Farmers' Land and Insurance Company (No. 1), Circuit Court of Greensville county. Appeal refused. Lawther vs. Farmers' Land and Insurance Company (No. 2), Circuit Court of Greensville county. Appeal refused. Butt et al. vs. Foreman, Court of Law and Chancery of city of Norfolk. Writ of error refused. Commonwealth et al. vs. Wright, Circuit Court of Bedford county. Writ of error refused. Hurley vs. Hurley, Circuit Court of Buchanan county. Writ of error refused. McKnight vs. Chesapeake and Ohio Railway Company, Circuit Court of Rockbridge county. Writ of error refused. Biggs vs. Commonwealth, Corporation Court of city of Newport News. Writ of error refused. Gray vs. Carpenter, Circuit Court of Brunswick county. Writ of error refused. Edmondson & Reakes, receivers, vs.

A Great Medicine

Two Bottles Relieved

Nearly all women suffer, more or less, from womanly complaints. There are so many symptoms due to this trouble that hardly two women suffer alike. However, whether your trouble is pain in the side, head, or limbs, dizziness, nervousness, or some other ill, from the same source, don't neglect it. Take Cardui.

Cardui has helped thousands of others, and it is only reasonable to believe that it will help you.

Thousands of ladies have written to tell how they were benefited by using this well-known remedy for their troubles.

Mrs. S. H. Blair, of Johnson City, Tenn., tried Cardui. She says: "I had suffered from womanly troubles for 16 months, before I tried your great medicine. I had four doctors attending my case, but they

could not help me, and I endured great suffering until I began to take Wine of Cardui. After I had taken two bottles, I was greatly relieved, so I continued until I had used 8 bottles, and now I feel about well. I cannot say enough in favor of Cardui."



If you suffer from any of the troubles arising from weakness or derangement of the womanly organs, don't experiment—get Cardui, the oft-tested, the old, reliable medicine for women.

Cardui is for sale at all druggists. Get a bottle at yours, and try what it will do for you.

CARDUI The Woman's Tonic

ASSOCIATION FORMED BY SUNDAY-SCHOOL WORKERS

Organization Follows Two Days' Conference Arranged by Rev. Lewis Collin.

[Special to The Times-Dispatch.] Bedford City, November 17.—At the call of Rev. Lewis Collin, secretary of the Virginia State Sunday School Association, a convention was held Monday and Tuesday at the Baptist Church of representatives of the Sunday schools of Bedford City and county of the various denominations.

The explanation by Mr. Collin of the work of the International Association, of which Virginia forms a part, was most interesting. J. A. Tate was chairman of the convention, and Miss Julia Graves, secretary.

On different lines of Sunday school work papers were read by local representatives as follows: "Cradle Roll," C. J. Schultz; "Beginners' Department," Mrs. J. F. Spencer; "Primary Department," Mrs. Samuel Campbell; "Junior Department," Dr. J. A. Davis; "The Bible, the Christian's Necessary Daily Food for Daily Life," Rev. C. W. Collin; "Home Co-operation: What Is Desired; How Secured," E. C. Burks; "Intermediate Department," Mrs. Walter Ruan; "Senior Department," D. H. Thompson; "The Teachers' Training Department," Miss Blanche Talley; "Records; Their Value; How Used Effectively," J. J. Scott; "Looking After Absentees the Lord's Way," Miss Julia Graves; "Hilarious Giving: Unto God the Things That Are Gods," E. S. Smith.

A Bedford County Sunday School Association, as a part of the State Association, was formed, a constitution was adopted and the following officers chosen: J. J. Scott, president; E. C. Burks, vice-president; Miss Julia Graves, secretary; Miss Gertrude Carder, treasurer.

The superintendents of departments are: Primary, Mrs. J. F. Spencer; Messengers, Claude Harrison; Teachers' Training, Miss Blanche Talley; Home, Miss Julia Graves; Missionary, Mrs. E. S. Smith; Temperance, D. H. Thompson; Adult, D. C. Tucker; Visitation, Mrs. Walter Ruan.

Invitations have been sent to every Sunday school in the county, and the delegates to the meeting will be entertained in the Wadesboro homes.

Children Cry FOR FLETCHER'S CASTORIA

WADESORO SUNDAY SCHOOLS TO HOLD A MASS-MEETING

[Special to The Times-Dispatch.] Wadesboro, N. C., November 17.—Mass-meeting of the Sunday schools of all denominations in Anson county will be held on Sunday, November 27.

The purpose of the meeting will be the consideration of the advisability of an organization of Sunday school workers, without regard to denomination or affiliation under the auspices of the State Sunday School Convention.

Three sessions will be held at the Wadesboro Methodist Church, one in the morning at 11 o'clock, one in the afternoon at 3 and one at night.

Addresses will be delivered by T. B. Eldridge, of Raleigh, and J. Van Carter, of Greensboro.

Invitations have been sent to every Sunday school in the county, and the delegates to the meeting will be entertained in the Wadesboro homes.

\$15.00 Prizes and a Shoe Shine

The Shoeshine Machine, 726 E. Main

5c and you get a shine and the shine may get you \$5.00.

12 Cash Prizes. Contest Ends Saturday Night.

Each person having their shoes shined by our clever machine will be given a ticket bearing a serial number upon which you place your name and estimate of the number of shoe shines made by the machine during this week—A. M. Monday to 8 P. M. Saturday. Drop the ticket in the box prepared for the purpose. Monday, November 21st the box will be opened by three judges—who will have the key to both money and ticket boxes. The tickets taken in during the stated time will be counted, the tickets examined by the judges and the awards made according to the following:

The Prizes

First correct or nearest estimate.....\$5.00
Second correct or nearest estimate..... 2.50
Next five correct or nearest estimates, each... 1.00
Next five correct or nearest estimates, each... .50

Information

Your shoes beautifully shined in 59 seconds. An estimate with every shine. A shine for a nickel. The lowest number of shines made in one day was 40; the highest 170.

Successful contestants will be announced Tuesday, November 22d, at 726 East Main Street.

INTERNATIONAL MACHINE CORPORATION, 726 E. Main.
Executive Offices, 703 Mutual Building, Richmond, Va.

Baby's Voice

Every woman's heart thrills at the cooing and prattling of a baby, and motherhood is her highest and purest joy. Yet the suffering incident to this great consummation of her life's desire, robs the anticipation of some of its sweetness. Most of this can be avoided by the use of Mother's Friend, and its use makes her comfortable during all the time the mother's friend assists nature in gradually expanding all tissues, muscles and tendons, it strengthens the ligaments, keeps the breasts in good condition, and brings the woman to the crisis in healthful physical condition. The regular use of Mother's Friend lessens the pain when baby comes, and assures a quick and natural recovery for the mother. For sale at drug stores. Write for free book for expectant mothers.

Mother's Friend

BRADFIELD REGULATOR CO., Atlanta, Ga.

There is but One Time for Life Insurance—TO-DAY

To-morrow may never come. Our new contract PAYS YOU IF YOU ARE PERMANENTLY DISABLED—or your family IF YOU DIE.

SEE THIS CONTRACT.

A. O. SWINK, Manager for Virginia, 111 Mutual Building.

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THE BIGGS STUDIOS

318 EAST FRANKLIN STREET, RICHMOND, VA.

I have now on exhibition in my studios, at 318 East Franklin Street, for one week only, a valuable collection of High-Class Paintings by the great masters of the European art world. They are consigned to me by the Johnson Art Gallery, formerly of 239 Fifth Avenue, New York. Among the artists represented we find the following masters' works:

Leon Ferrault.....Paris.	C. Rinaldi.....Rome.
Paul Grollier.....Paris.	A. Lomini.....Rome.
Victor Gilbert.....Paris.	Prof. Achille Formis.....Milan.
A. Delobbe.....Paris.	G. Campi.....Milan.
Gustave Guignard.....Paris.	A. Mattolini.....Milan.
E. Richter.....Paris.	G. Griffin, T. B. L.....New York.
F. Cormon.....Paris.	Arthur Lumley.....New York.
Francis Lafon.....Paris.	C. T. Phelan.....New York.
E. Miel.....Munich.	R. Stepp.....Antwerp.
F. Pandel.....Munich.	L. de Costa.....Florence.
E. Stuhlmueller.....Munich.	E. Torricelli.....Florence.
K. Kiesel.....Munich.	A. Scarselli.....Florence.
L. Langkow.....Munich.	Dusseldorf, J. Calliano.....Rome.

And many others too numerous to mention in an advertisement. The studios will be open from 9 A. M. until 6 P. M. each day of the week, commencing the 14th of November.

THE BIGGS STUDIOS.